

Court of Appeals, State of Michigan

ORDER

People of MI v Roger Carlos Ray

Docket No. 353421

LC No. 93-004008-01-FC

Christopher M. Murray
Presiding Judge

Kirsten Frank Kelly

Anica Letica
Judges

Pursuant to MCR 7.205(E)(2), the February 11, 2020 order of the circuit court is VACATED, and the matter REMANDED for reconsideration of defendant's successive motion for relief from judgment. Defendant's motion presents a claim of new evidence and is thus not barred by MCR 6.502(G)(1). MCR 6.502(G)(2). On remand, the circuit court shall determine whether relief is warranted pursuant to MCR 6.508(D). To the extent defendant seeks a new trial on the basis of newly discovered evidence, the trial court is directed to apply the four-part test for claims of new evidence. See *People v Johnson*, 502 Mich 541, 566; 918 NW2d 676 (2018); *People v Cress*, 468 Mich 678, 692; 664 NW2d 174 (2003). The circuit court may hold an evidentiary hearing if it concludes one is necessary to evaluate defendant's claims. MCR 6.508(C).

The motion to waive fees is GRANTED for this case only.

This order is to have immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.


Presiding Judge



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

July 23, 2020

Date


Chief Clerk